

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-30149

STEVEN J. MALKE  
Plaintiff,

v.

TRANSCONTINENTAL REFRIGERATED LINES, INC.  
Defendants.

**JOINT STATEMENT**

Now come the parties in the above-mentioned matter and respectfully submit this Joint Statement which includes the following:

1. Joint Discovery Plan;
2. Proposed Schedule for the filing of Motions and
3. Certifications.

**JOINT DISCOVERY PLAN**

The parties propose the following discovery plan for the conduct of this litigation:

1. Other parties may be joined and the pleadings may be amended in accordance with Rules 14 and 15 of the Federal Rules of Civil Procedure.
2. Initial disclosures under Rule 26(a)(1), Fed. R. Civ. P. to be filed by September 30, 2005.
3. Non-expert witness and fact discovery, including all depositions, must be

concluded by March 31, 2006.

4. Plaintiff's Expert witnesses must be disclosed pursuant to Fed. R. Civ. P. 26(a)(2) and expert's report(s) under Fed. R. Civ. P. 26(a)(2)(B) served by April 30, 2006.
5. Defendant's Expert witnesses must be disclosed pursuant to Fed. R. Civ. P. 26(a)(2) and expert's report(s) under Fed. R. Civ. P. 26(a)(2)(B) served by June 30, 2006
6. Expert witness depositions pursuant to Fed. R. Civ. P. 26(a)(2) must be taken by July 31, 2006.

#### **PROPOSED SCHEDULE FOR FILING MOTIONS**

1. Parties may file motions to compel and seek other orders of the court as the need arises, subject to the provisions of this Court's Local Rules.
2. Dispositive motions must be filed no later than August 31, 2006.
3. The Court shall determine dates for a final pre-trial conference and for trial after the completion of discovery and determination of any dispositive motions filed by the parties.
4. Pursuant to Rule 26(f), the parties recommend no change "in the timing, form or requirement for disclosures under subdivision (a) or local rule".

#### **CERTIFICATIONS UNDER LOCAL RULE 16.1(D)(3)**

Certifications required under Local Rule 16.1(D)(3) are attached hereto or will be submitted separately by each party by the time of the scheduling conference.